

**2013 DRAFTING REQUEST**

**Bill**

Received:	<b>10/1/2013</b>	Received By:	<b>chanaman</b>
Wanted:	<b>As time permits</b>	Same as LRB:	
For:	<b>Legislative Council - LRC</b>	By/Representing:	<b>Anne Sappenfield</b>
May Contact:		Drafter:	<b>chanaman</b>
Subject:	<b>Criminal Law - procedure</b>	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**  
 Requester's email: **Anne.Sappenfield@legis.wisconsin.gov**  
 Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

0494/2, 0495/2, 0501/1, 0510/1, and 0635/1

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 10/18/2013	kfollett 10/18/2013	rschluet 10/18/2013	_____	sbasford 10/1/2013		
/1				_____	mbarman 10/18/2013	sbasford 11/27/2013	

FE Sent For:

**<END>**

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/P1	chanaman 10/18/2013	kfollett 10/18/2013	rschluet 10/18/2013	_____	sbasford 10/1/2013		
/1				_____	mbarman 10/18/2013		

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/P1	chanaman 10/1/2013	kfollett 10/1/2013	rschluet 10/1/2013	_____	sbasford 10/1/2013		

FE Sent For:

11/5/13  
10/18  
[Signature]  
[Signature]  
<END>

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 May Contact: Drafter: **chanaman**  
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 Extra Copies:

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 Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

0494/2, 0495/2, 0501/1, 0510/1, and 0635/1

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman	10/1/13	10/1/13	Comp.			

FE Sent For:

<END>

**Hanaman, Cathlene**

---

**From:** Sappenfield, Anne  
**Sent:** Tuesday, October 01, 2013 9:22 AM  
**To:** Hurley, Peggy; Hanaman, Cathlene  
**Subject:** Law revision draft

Hi Cathlene and Peggy,

Could you please combine LRB—0494/2, 0495/2, 0501/1, 0510/1, and 0635/1 into one draft? I would like to have a preliminary draft so that I can see if the notes work together when the drafts are combined.

Thank you, and let me know if you have any questions.

Anne

*Anne Sappenfield*  
Senior Staff Attorney  
WI Legislative Council  
(608) 267-9485

Compiling '13-3296/P1'...  
 Parsing Compile List...  
 Removing duplicates...  
 There are 5 component drafts...  
 Exporting Target Draft...  
 Processing component drafts...  
     13-0494  
     13-0495  
     13-0501  
     13-0510  
     13-0635  
 There are 17 sections...  
 Sorting sections...  
 Generating Sort List...  
 Combining nonstat sections...  
 Updating relating clause...  
 Updating Analysis...  
     removing existing analysis  
     adding new analysis  
 Updating sections...  
     removing existing sections  
     adding new sections  
 Writing target draft...  
 Checking in target draft ...

\*\*\*\*\*

SortList:

(Note: pastes nicely into Microsoft Excel, when cell format is set to 'Text')

\*\*\*\*\*

COMPONENT DRAFT	ACTION
-0635/1	175.60 (14) (a) of the statutes is amended to read:
-0494/2	939.74 (2) (c) of the statutes is amended to read:
-0510/1	948.02 (1) (e) of the statutes is amended to read:
-0495/2	968.375 (2) of the statutes is renumbered 968.375 (1).
-0495/2	968.375 (3) of the statutes is renumbered 968.375 (2).
-0495/2	968.375 (4) of the statutes is renumbered 968.375 (3), and 968.375 (3) (b), as renumbered, is amended to read:
-0495/2	968.375 (5) of the statutes is renumbered 968.375 (4) and amended to read:
-0495/2	968.375 (6) of the statutes is renumbered 968.375 (5).
-0495/2	968.375 (7) of the statutes is renumbered 968.375 (6).
-0495/2	968.375 (9) of the statutes is renumbered 968.375 (7).
-0495/2	968.375 (10) of the statutes is renumbered 968.375 (8).
-0495/2	968.375 (11) of the statutes is renumbered 968.375 (9).
-0495/2	968.375 (12) of the statutes is renumbered 968.375 (10).
-0495/2	968.375 (13) of the statutes is renumbered 968.375 (11).

-0495/2        968.375 (14) of the statutes is renumbered 968.375 (12).  
-0495/2        968.375 (15) of the statutes is renumbered 968.375 (13), and 968.375 (13)  
(intro.), as renumbered, is amended to read:  
-0501/1        980.09 (intro.) of the statutes is renumbered 980.09 (1).

\*\*\*\*\*

SortList has been copied to Windows clipboard

(Note: pastes nicely into Microsoft Excel, when cell format is set to 'Text')

Success

(2 sec. 808 ms.)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3296/P1

CMH:ljf

today  
please  
per L.C.

stop  
lpl  
kgf+ecv

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*General*

1 AN ACT ...; relating to: fixing an incorrect cross-reference under the statute of  
2 limitations for repeated sexual assault of the same child (suggested as remedial  
3 legislation by the Department of Justice); numbers of subsections (suggested  
4 as remedial legislation by the Department of Justice); numbering a subunit of  
5 chapter 980 of the statutes that is not currently numbered (suggested as  
6 remedial legislation by the Department of Justice); sexual assault of a child  
7 (suggested as remedial legislation by the Department of Justice); suspension  
8 of license to carry a concealed weapon if the person is prohibited from  
9 possessing a dangerous weapon as a condition of release when charged with a  
10 felony or misdemeanor (suggested as remedial legislation by the Department  
11 of Justice).

---

*Analysis by the Legislative Reference Bureau*

\*\*\* ANALYSIS FROM 0494/2 \*\*\*

This bill corrects an incorrect cross-reference so that the statutes of limitations are consistent for all offenses of repeated first-degree sexual assault of a child and so that prosecution for repeated second-degree sexual assault of a child must



commence before the victim reaches 45 years of age, which is consistent with the statute of limitation for second-degree sexual assault of a child. The incorrect cross-reference under current law results in two inconsistent provisions for certain offenses of repeated first-degree sexual assault of a child; one provides that prosecution may commence at any time and the other provides that prosecution must generally commence before the victim reaches age 45. In addition, the incorrect cross-reference results in a time limitation for commencing prosecution of six years after the commission of repeated second-degree sexual assault of a child, which is inconsistent with the time limitation for second-degree sexual assault of a child, under which prosecution must commence before the victim reaches age 45.

\*\*\* ANALYSIS FROM -0495/2 \*\*\*

This bill <sup>also</sup> renumbers subsections to eliminate gaps in numbering.

\*\*\* ANALYSIS FROM -0501/1 \*\*\*

In statutory text, an introduction is an unnumbered subunit of a section, subsection, paragraph, or subdivision of the statutes with a colon at the end followed by a list of two or more items in numbered subunits. This bill renumbers a subunit that is incorrectly shown as an introduction to be a subsection, which is consistent with current drafting style.

\*\*\* ANALYSIS FROM -0510/1 \*\*\*

Under current law, under first-degree sexual assault of a child, whoever has sexual contact with a person who is under 13 years of age is guilty of a Class B felony. "Sexual contact" is defined in current law so that it includes "sexual intercourse." For clarity, this bill specifies that whoever has sexual contact or sexual intercourse with a person who is under 13 years of age is guilty of a Class B felony.

\*\*\* ANALYSIS FROM -0635/1 \*\*\*

Under current law, if, before a trial, a court releases a person who is charged with a felony or a misdemeanor without bail or upon the execution of an unsecured appearance bond, the court may prohibit the person from possessing any dangerous weapon as a condition of the release. If the person who is subject to this prohibition has a license to carry a concealed weapon, the court must revoke the license and the court must suspend the license, subject to restoration if the prohibition is removed. This bill clarifies that the license must be suspended, not revoked, if the court imposes such a condition.

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 175.60 (14) (a) of the statutes is amended to read:

1           175.60 (14) (a) The department shall revoke a license issued under this section  
2   if the department determines that sub. (3) (b), (c), ~~(d)~~, (e), (f), or (g) applies to the  
3   licensee.

NOTE: Deletes the requirement that the Department of Justice revoke a license to carry a concealed weapon if the license holder is ordered not to possess a dangerous weapon as a condition of release on a pending criminal charge. This provision is in conflict with current law under which such a license must be suspended under these conditions and the department must restore the license upon notice that the person is no longer prohibited from possessing a dangerous weapon.

4           **SECTION 2.** 939.74 (2) (c) of the statutes is amended to read:

5           939.74 (2) (c) A prosecution for violation of s. 948.02 (2), 948.025 (1) ~~(b)~~ (e),  
6   948.03 (2) (a), 948.05, 948.051, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08,  
7   948.085, or 948.095 shall be commenced before the victim reaches the age of 45 years  
8   or be barred, except as provided in sub. (2d).

NOTE: Removes the reference to an offense of engaging in repeated acts of sexual assault of the same child from the statute of limitations under which a prosecution must be commenced before the victim reaches age 45 years. This offense is also referenced in the statute of limitations for offenses for which a prosecution may be commenced at any time. This SECTION replaces the cross-reference with a cross-reference to another offense of engaging in repeated acts of sexual assault of the same child which currently is not specifically referenced and, therefore, is treated as felonies are in general. For felonies that are not subject to another statute of limitations, prosecution must be commenced within six years of the commission of the offense.

9           **SECTION 3.** 948.02 (1) (e) of the statutes is amended to read:

10          948.02 (1) (e) Whoever has sexual contact or sexual intercourse with a person  
11   who has not attained the age of 13 years is guilty of a Class B felony.

NOTE: Adds having sexual intercourse to the offense prohibiting having sexual contact with a person who has not attained the age of 13 years. Among other offenses relating to sexual assault of a child, current law prohibits having sexual intercourse with a person who has not attained the age of 12 years and prohibits having sexual contact with a person who has not attained the age of 13 years.

*create AR-4*  
12          **SECTION 4.** 968.375 (2) of the statutes is renumbered 968.375 (1).

13          **SECTION 5.** 968.375 (3) of the statutes <sup>✓</sup>is renumbered 968.375 (2).

14          **SECTION 6.** 968.375 (4) of the statutes is renumbered 968.375 (3), and 968.375

15   (3) (b), as renumbered, is amended to read:

1 968.375 (3) (b) A record or information described under sub. (3) (2) (a).

2 SECTION 7. 968.375 (5) of the statutes is renumbered 968.375 (4) and amended  
3 to read:

4 968.375 (4) BASIS, APPLICATION FOR, AND ISSUANCE OF SUBPOENA OR WARRANT.

5 Section 968.12 (2) and (3) applies to the basis and application for, and issuance of,  
6 a subpoena under sub. (3) (2) or a warrant under sub. (4) (3) as it applies to the basis  
7 and application for, and issuance of, a search warrant under s. 968.12.

8 SECTION 8. 968.375 (6) of the statutes is renumbered 968.375 (5).

9 SECTION 9. 968.375 (7) of the statutes is renumbered 968.375 (6).

10 SECTION 10. 968.375 (9) of the statutes is renumbered 968.375 (7).

11 SECTION 11. 968.375 (10) of the statutes is renumbered 968.375 (8).

12 SECTION 12. 968.375 (11) of the statutes is renumbered 968.375 (9).

13 SECTION 13. 968.375 (12) of the statutes is renumbered 968.375 (10).

14 SECTION 14. 968.375 (13) of the statutes is renumbered 968.375 (11).

15 SECTION 15. 968.375 (14) of the statutes is renumbered 968.375 (12).

16 *create AR-16* SECTION 16. 968.375 (15) of the statutes is renumbered 968.375 (13), and

17 968.375 (13) (intro.), as renumbered, is amended to read:

18 968.375 (13) DISCLOSURE WITHOUT SUBPOENA OR WARRANT. (intro.) A provider of  
19 electronic communication or remote computing service may disclose records or  
20 information described under sub. (3) (2) (a) of a customer or subscriber or the content  
21 of communications of a customer or subscriber described under sub. (4) (3) without  
22 a subpoena or warrant if any of the following applies:

23 ~~SECTION 17. 980.09 (intro.) of the statutes is renumbered 980.09 (1).~~

NOTE: Renumbers a subsection that is numbered (intro.) as sub. (1) because the text of the subsection does not introduce subsequent text.

1

(END)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0495/2

CMH:eev:rs

## 2013 BILL

1 **AN ACT to renumber** 968.375 (2), 968.375 (3), 968.375 (6), 968.375 (7), 968.375  
2 (9), 968.375 (10), 968.375 (11), 968.375 (12), 968.375 (13) and 968.375 (14); and  
3 **to renumber and amend** 968.375 (4), 968.375 (5) and 968.375 (15) of the  
4 statutes; **relating to:** numbers of subsections (suggested as remedial  
5 legislation by the Department of Justice).

---

***Analysis by the Legislative Reference Bureau***

This bill renumbers subsections to eliminate gaps in numbering.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

INS  
0495 pref

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Justice and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

PREFATORY NOTE: SECTIONS 1 to 13 of this bill renumber subsections in s. 968.375, stats., to eliminate gaps in the numbering and to correct cross-references to renumbered subsections where necessary.

use AR-4      use AR-16

## Hanaman, Cathlene

---

**From:** Sappenfield, Anne  
**Sent:** Friday, October 18, 2013 11:09 AM  
**To:** Hanaman, Cathlene  
**Subject:** LRB--3296/P1

Hi Cathlene,

Could you add the following note after SEC. 16 of the draft?

NOTE: SECTIONS 4 to 16 of this bill renumber subsections in s. 968.375, stats., to eliminate gaps in the numbering and correct cross-references to renumbered subsections where necessary.

Then I'm ready for the /1.

Thanks!  
Anne

*Anne Sappenfield*  
Senior Staff Attorney  
WI Legislative Council  
(608) 267-9485



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3296/P1  
CMH:kjf&eev:rs

stays

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

today  
please

never cut

1 **AN ACT** *to renumber* 968.375 (2), 968.375 (3), 968.375 (6), 968.375 (7), 968.375  
2 (9), 968.375 (10), 968.375 (11), 968.375 (12), 968.375 (13) and 968.375 (14); *to*  
3 *renumber and amend* 968.375 (4), 968.375 (5) and 968.375 (15); and *to*  
4 *amend* 175.60 (14) (a), 939.74 (2) (c) and 948.02 (1) (e) of the statutes; **relating**  
5 **to:** fixing an incorrect cross-reference under the statute of limitations for  
6 repeated sexual assault of the same child; numbers of subsections; sexual  
7 assault of a child; suspension of license to carry a concealed weapon if the  
8 person is prohibited from possessing a dangerous weapon as a condition of  
9 release when charged with a felony or misdemeanor (suggested as remedial  
10 legislation by the Department of Justice).

---

***Analysis by the Legislative Reference Bureau***

This bill corrects an incorrect cross-reference so that the statutes of limitations are consistent for all offenses of repeated first-degree sexual assault of a child and so that prosecution for repeated second-degree sexual assault of a child must commence before the victim reaches 45 years of age, which is consistent with the statute of limitation for second-degree sexual assault of a child. The incorrect cross-reference under current law results in two inconsistent provisions for certain

offenses of repeated first-degree sexual assault of a child; one provides that prosecution may commence at any time and the other provides that prosecution must generally commence before the victim reaches age 45. In addition, the incorrect cross-reference results in a time limitation for commencing prosecution of six years after the commission of repeated second-degree sexual assault of a child, which is inconsistent with the time limitation for second-degree sexual assault of a child, under which prosecution must commence before the victim reaches age 45.

Under current law, under first-degree sexual assault of a child, whoever has sexual contact with a person who is under 13 years of age is guilty of a Class B felony. "Sexual contact" is defined in current law so that it includes "sexual intercourse." For clarity, this bill specifies that whoever has sexual contact *or sexual intercourse* with a person who is under 13 years of age is guilty of a Class B felony.

Under current law, if, before a trial, a court releases a person who is charged with a felony or a misdemeanor without bail or upon the execution of an unsecured appearance bond, the court may prohibit the person from possessing any dangerous weapon as a condition of the release. If the person who is subject to this prohibition has a license to carry a concealed weapon, the court must revoke the license and the court must suspend the license, subject to restoration if the prohibition is removed. This bill clarifies that the license must be suspended, not revoked, if the court imposes such a condition.

This bill also renumbers subsections to eliminate gaps in numbering.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Justice and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

*move to R-4* → **PREFATORY NOTE:** SECTIONS 4 to 16 of this bill renumber subsections in s. 968.375, stats., to eliminate gaps in the numbering and to correct cross-references to renumbered subsections where necessary. *LRS please fix comma*

**SECTION 1.** 175.60 (14) (a) of the statutes is amended to read:

175.60 (14) (a) The department shall revoke a license issued under this section if the department determines that sub. (3) (b), (c), ~~(d)~~, (e), (f), or (g) applies to the licensee.

NOTE: Deletes the requirement that the Department of Justice revoke a license to carry a concealed weapon if the license holder is ordered not to possess a dangerous weapon as a condition of release on a pending criminal charge. This provision is in conflict



with current law under which such a license must be suspended under these conditions and the department must restore the license upon notice that the person is no longer prohibited from possessing a dangerous weapon.

✓  
**SECTION 2.** 939.74 (2) (c) of the statutes is amended to read:

939.74 (2) (c) A prosecution for violation of s. 948.02 (2), 948.025 (1) (b) (e), 948.03 (2) (a), 948.05, 948.051, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, 948.085, or 948.095 shall be commenced before the victim reaches the age of 45 years or be barred, except as provided in sub. (2d).

NOTE: Removes the reference to an offense of engaging in repeated acts of sexual assault of the same child from the statute of limitations under which a prosecution must be commenced before the victim reaches age 45 years. This offense is also referenced in the statute of limitations for offenses for which a prosecution may be commenced at any time. This SECTION replaces the cross-reference with a cross-reference to another offense of engaging in repeated acts of sexual assault of the same child which currently is not specifically referenced and, therefore, is treated as felonies are in general. For felonies that are not subject to another statute of limitations, prosecution must be commenced within six years of the commission of the offense.

✓  
**SECTION 3.** 948.02 (1) (e) of the statutes is amended to read:

948.02 (1) (e) Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 13 years is guilty of a Class B felony.

NOTE: Adds having sexual intercourse to the offense prohibiting having sexual contact with a person who has not attained the age of 13 years. Among other offenses relating to sexual assault of a child, current law prohibits having sexual intercourse with a person who has not attained the age of 12 years and prohibits having sexual contact with a person who has not attained the age of 13 years.

✓  
**SECTION 4.** 968.375 (2) of the statutes is renumbered 968.375 (1).

✓  
**SECTION 5.** 968.375 (3) of the statutes is renumbered 968.375 (2).

✓  
**SECTION 6.** 968.375 (4) of the statutes is renumbered 968.375 (3), and 968.375 (3) (b), as renumbered, is amended to read:

968.375 (3) (b) A record or information described under sub. (3) (2) (a).

✓  
**SECTION 7.** 968.375 (5) of the statutes is renumbered 968.375 (4) and amended to read:

**SECTION 7**

1           968.375 (4) BASIS, APPLICATION FOR, AND ISSUANCE OF SUBPOENA OR WARRANT.

2           Section 968.12 (2) and (3) applies to the basis and application for, and issuance of,  
3           a subpoena under sub. (3) (2) or a warrant under sub. (4) (3) as it applies to the basis  
4           and application for, and issuance of, a search warrant under s. 968.12.

5           **SECTION 8.** 968.375 (6) of the statutes is renumbered 968.375 (5).

6           **SECTION 9.** 968.375 (7) of the statutes is renumbered 968.375 (6).

7           **SECTION 10.** 968.375 (9) of the statutes is renumbered 968.375 (7).

8           **SECTION 11.** 968.375 (10) of the statutes is renumbered 968.375 (8).

9           **SECTION 12.** 968.375 (11) of the statutes is renumbered 968.375 (9).

10          **SECTION 13.** 968.375 (12) of the statutes is renumbered 968.375 (10).

11          **SECTION 14.** 968.375 (13) of the statutes is renumbered 968.375 (11).

12          **SECTION 15.** 968.375 (14) of the statutes is renumbered 968.375 (12).

13          **SECTION 16.** 968.375 (15) of the statutes is renumbered 968.375 (13), and

14           968.375 (13) (intro.), as renumbered, is amended to read:

15           968.375 (13) DISCLOSURE WITHOUT SUBPOENA OR WARRANT. (intro.) A provider of  
16           electronic communication or remote computing service may disclose records or  
17           information described under sub. (3) (2) (a) of a customer or subscriber or the content  
18           of communications of a customer or subscriber described under sub. (4) (3) without  
19           a subpoena or warrant if any of the following applies:

(END)

20

INS  
FROM  
P. 2

**Basford, Sarah**

---

**From:** Sappenfield, Anne  
**Sent:** Wednesday, November 27, 2013 12:08 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3296/1 Topic: 0494/2, 0495/2, 0501/1, 0510/1, and 0635/1

Please Jacket LRB -3296/1 for the ASSEMBLY.